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REMARKS

Formal Matters

Claims 1, 4, and 39 are pending in the application. Prosecution is reopened and Claims 1, 4, and 39 are rejected under the judicially created doctrine of double patenting as unpatentable over claim 1 of US 6,121,415. No amendments are made to the claims.

Nonstatutory Double Patenting Rejection

Claims 1, 4, and 39 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,121,415, drawn to an isolated polypeptide comprising an amino acid sequence encoding the EGF-like domain of SEQ ID NO:4.

Applicants respectfully traverse the rejection. Without acquiescing to it, however, Applicants submit herewith a Terminal Disclaimer under 37 CFR § 1.321(c) disclaiming the terminal part of any patent granted on the above-referenced application that would extend beyond the expiration date of US 6,121,415, both patents assigned to Genentech.

Applicants respectfully submit that the claims are in condition for allowance, which action is requested.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is strongly encouraged to call the undersigned at the number indicated below.

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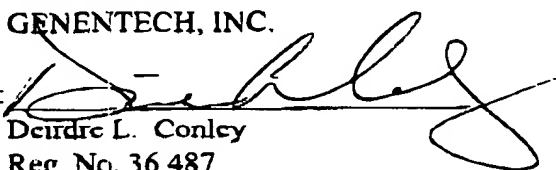
This response and accompanying Terminal Disclaimer and fees are timely filed with a petition and fees for a one-month extension of time. In the unlikely event that the Patent Offices determines that addition petitions and/or fees are required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions or other required fees to our Deposit Account No. 07-0630 to complete this response and maintain the pendency of this application.

Respectfully submitted,

GENENTECH, INC.

Date: August 26, 2002

By:


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PATENT TRADEMARK OFFICE